

Senate Bill No. 1169

Passed the Senate August 21, 2012

Secretary of the Senate

Passed the Assembly August 13, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 2831 of the Fish and Game Code, and to amend Section 1 of Chapter 644 of the Statutes of 2007, relating to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1169, Kehoe. Natural community conservation planning.

The Natural Community Conservation Planning Act authorizes the Department of Fish and Game to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan to provide comprehensive management and conservation of multiple wildlife species. The act requires a plan to identify and provide for those measures necessary to conserve and manage natural biological diversity within the plan area while allowing compatible and appropriate economic development, growth, and other human uses. The act requires each natural community conservation plan to include an implementation agreement governing specified matters.

Existing law exempts from specified provisions of the act any natural community conservation plan or subarea plan initiated on or before January 1, 2000, or amendment thereto, by Sweetwater Authority, Helix Water District, Padre Dam Municipal Water District, Santa Fe Irrigation District, or the San Diego County Water Authority, which the department determines is consistent with the approved San Diego Multiple Habitat Conservation Program or the San Diego Multiple Species Conservation Program, if the department finds that the plan has been developed and is otherwise in conformance with the act. Existing law deems certain lands designated as open-space lands as of January 1, 2008, to be dedicated land under the City Charter of San Diego.

This bill would deem those lands designated as open-space lands as of January 1, 2013, to be dedicated land under the city charter.

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 644 of the Statutes of 2007 is amended to read:

Section 1. The Legislature finds and declares all of the following:

(a) The basis for the lands currently designated as open space by the City of San Diego is a Multiple Species Conservation Program (MSCP) for the City of San Diego.

(b) In 1997, the City of San Diego signed a 50-year agreement with the Department of Fish and Game and the United States Fish and Wildlife Service to conserve approximately 55,000 acres of open space within the City of San Diego under the MSCP. Included in the MSCP are designated and dedicated open-space parcels. The City of San Diego has identified in excess of 15,000 acres of city-owned parcels that were intended to be dedicated open space under the city charter, but have not been converted from designated to dedicated open space. Dedicated open space cannot be sold or exchanged without a two-thirds vote of the people. In 2007, the Mayor of the City of San Diego and, by a unanimous vote, the city council, passed a resolution to support this effort to convert those parcels from designated to dedicated open space. Approximately 6,600 acres were converted to dedicated open space with the filing of documents with the Office of the County of San Diego Assessor/Recorder/County Clerk prior to January 1, 2008. Approximately 10,000 acres remain on a list established by the City of San Diego in 2006 of places eligible to be converted to dedicated open-space lands. The San Diego City Council voted on January 23, 2012, to support the effort to convert additional city-owned open-space parcels from designated to dedicated open space.

(c) Therefore, in keeping with the desire of the City of San Diego to ensure that the lands currently designated as open space cannot be sold or exchanged without a vote of the people, and consistent with the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), these lands should become dedicated land under state law and the City Charter of the City of San Diego.

SEC. 2. Section 2831 of the Fish and Game Code is amended to read:

2831. (a) Notwithstanding any other provision of law, lands designated as of January 1, 2013, as open-space lands in a document entitled "Declaration of the Dedication of Land" approved by a resolution of the San Diego City Council in the

same manner in which the city council processes approval of dedicated open space, reserving to the city council the authority to grant easements for utility purposes in, under, and across dedicated property, if those easements and facilities to be located thereon do not significantly interfere with the park and recreational use of the property, and filed with the Office of the City Clerk for the City of San Diego, and, if required, at the Office of the County of San Diego Assessor/Recorder/County Clerk, are dedicated land under the City Charter of the City of San Diego.

(b) Upon filing of that document in accordance with subdivision (a), the Office of the City Clerk for the City of San Diego, and, if applicable, the Office of the County of San Diego Assessor/Recorder/County Clerk shall make the document available for inspection by the public upon request.

Approved _____, 2012

Governor